

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN ANTHONY GARCIA,

Plaintiff,

vs.

Civ. No. 18-650 JAP/JFR

**ANDREW SAUL, Commissioner
of SOCIAL SECURITY,¹**


Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION AND DISMISSING PLAINTIFF'S COMPLAINT**

THIS MATTER is before the Court on the Proposed Findings and Recommended Disposition by United States Magistrate Judge John F. Robbenhaar, filed July 22, 2019. Doc. 32. Objections were due by no later than August 8, 2019.² The parties have not filed any objections. The failure to make timely objections to the Magistrate Judge's Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 32) are **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.



Senior United States District Judge

¹ Pursuant to Fed. R. Civ. P. 25(d), Andrew Saul is substituted for Nancy Berryhill as the Commissioner of the Social Security Administration.

² Objections were due within fourteen days; *i.e.*, August 5, 2019. Doc. 32 at 3. However, three days were added to the deadline because Plaintiff was served by mail. *See* Fed. R. Civ. P. 5(b)(2)(C); Fed. R. Civ. P. 6(a) and (d).